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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GERARDO Z. MORENO,	)	No.: 1:20-cv-00788-BAM
	)	
	)	STIPULATION FOR VOLUNTARY
	)	REMAND PURSUANT TO SENTENCE
	)	FOUR OF 42 U.S.C. § 405(g);
Plaintiff,	)	
	)	ORDER THEREON
v.	)	
KILOLO KIJAKAZI, <sup>1</sup>	)	
Acting Commissioner of Social Security	)	
Defendant.	)	
	)	
	)	

IT IS HEREBY STIPULATED, by and between the parties, through their undersigned attorneys, and with the approval of the Court, that the Commissioner of Social Security has agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g). The purpose of the remand is to offer Plaintiff a new decision.

<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).



On remand, the Commissioner will conduct any necessary further proceedings and issue a new decision. The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

Respectfully submitted,

Dated: July 20, 2021

/s/ Jonathan O. Pena

(\*as authorized via e-mail on 7/20/21)

JONATHAN O. PENA

Attorney for Plaintiff

Dated: July 20, 2021

PHILLIP A. TALBERT

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By: /s/ Marcelo Illarmo

MARCELO ILLARMO

Special Assistant United States Attorney

Attorneys for Defendant

### **ORDER**

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown, the above-captioned action is remanded to the Commissioner of Social Security for further proceedings consistent with the terms of the Stipulation to Remand.

IT IS SO ORDERED.

Dated: **August 27, 2021**

  
UNITED STATES DISTRICT JUDGE